

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RAJENDA BADGAIYAN, M.D.,
Plaintiff

v.

ANTHONY J. PRINCIPI, PRESIDENT
AND FELLOWS OF HARVARD
COLLEGE, AND
GRACE MUSHRUSH, M.D.,
Defendants

C.A. NO. 04-12031-JLT

DEPOSITION of AAFAQUE AKHTER, M.D., a
witness called by counsel on behalf of the Plaintiff,
pursuant to the applicable provisions of the Federal
Rules of Civil Procedure, before Leonard Allan Cormier, a
Notary Public in and for the Commonwealth of
Massachusetts, at the Law Offices of Weston, Patrick,
Willard & Redding, on Friday, May 19, 2006, commencing at
11:15 a.m.

JOAN R. DUNNE
COURT REPORTER
28 SONNING ROAD
BEVERLY, MASSACHUSETTS 01915
(978) 927-2678

1 I was in tears. I was literally crying.

2 Q What did you do then?

3 A Then I went to Dr. Mushrush.

4 Q How soon after the meeting with Dr. Alexander did
5 you go to see Dr. Mushrush?

6 A It was not easy to meet Dr. Mushrush. And then I
7 -- I think it was after a few months, because we
8 have a very busy schedule. We used to run around.
9 And moreover, what I thought that in my evaluation
10 done by Dr. Alexander, mailed to her and mailed to
11 me, and in that evaluation he had mentioned that
12 he was more severe than needed at one point. So,
13 I thought that probably Dr. Mushrush herself will
14 speak to me about it and speak to him about it.

15 I waited for a while before I spoke
16 to her. I exactly don't remember when I met Dr.
17 Mushrush. But I remember the meeting, and I
18 explained to her that what had happened.

19 And during the discussion, at one
20 point, she said that a lot of American doctors
21 don't like confident Indians. And it was very
22 shocking for me, so I tried to work around. And I
23 said, "Why do you think that a lot of American
24 doctors don't like confident Indians?" And she

1 A No. I don't remember it.

2 Q So, the answer is no, he did not discuss with you
3 some of the problems he was having at the Brockton
4 VA?

5 A I don't recollect. In my recollection, I would
6 say no. Yes. I don't think so.

7 I don't remember. He might have. He
8 might not have. But there is nothing which pops
9 out and is stuck in my head.

10 Q Are you aware of Dr. Badgaiyan's present medical
11 licensure, whether he's licensed to practice
12 medicine, that is?

13 A Yeah. I think that that was -- he told me that he
14 decided to file the case when his license was not
15 approved because of something has been written by
16 Dr. Mushrush that he was on probation, and he
17 believes he was not on probation. And that was
18 the problem. And his license has not been
19 approved.

20 Q When did you have the discussion about his
21 license?

22 A I think after when he called me that if I am
23 willing to testify. And I said, "What other
24 charges have you filed? Why did you file?" And

1 A And she said it in a very nice way, to be honest.
2 I think it was a nice advice from her side.

3 Q Did you contact anyone again at Harvard about the
4 situation?

5 A No.

6 Q You indicated that after you left the Brockton VA
7 Residency Program, that you filed a formal
8 complaint with the VA?

9 A Yes.

10 Q Did you contact Harvard about that complaint?

11 A No.

12 Q In that complaint to the VA, you've indicated that
13 you complained about Dr. Alexander's treatment?

14 A Yes.

15 Q Did you complain about anyone else?

16 A No.

17 Q Doctor, you described a conversation you had with
18 a resident who you've described as Pakistani
19 shortly after September 11, 2001.

20 A Yes.

21 Q What is the name of that person?

22 A I don't remember his name. There's so many
23 residents come and go. I don't remember that.

24 Q Thank you.

1 Q I'm just asking a question. You do, Doctor?

2 A No.

3 Q Okay. Now, with regard to your complaint that you
4 filed after you left the Residency Program, did
5 you identify anyone within that complaint, other
6 than Dr. Alexander --

7 A No.

8 Q Let me finish the question.

9 -- that potentially, according to
10 your allegations, discriminated against you based
11 on your national origin?

12 A Dr. Alexander.

13 Q That's it?

14 A That's it.

15 Q Did you make any mention of Dr. Mushrush in that
16 complaint?

17 A She was the director, so she was involved. But I
18 didn't file a complaint against her.

19 Q Did you make any allegations within the complaint
20 that she somehow discriminated against you based
21 on your national origin?

22 A No.

23 Q Is there anyone else that you know of that can
24 give us some further information about the types